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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,227	02/09/2005	Hisao Tanaka	450100-05108	1561

7590 11/06/2008
William S Frommer
Frommer Lawrence & Haug
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New York, NY 10151

EXAMINER

NGUYEN, LINH THI

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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11/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/524,227	Applicant(s) TANAKA ET AL.	
	Examiner LINH T. NGUYEN	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/04/08 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson (US Publication Number 20020164149) in view of Ando et al (US Publication number 20010020261).

In regards to claims 1, 4 and 5, Wilkinson discloses a recording control apparatus and method for controlling recording a file of first data (Paragraph [0049]; file header or header metadata) of each of a plurality of data series (packet set) onto a recording medium, said recording control apparatus comprising: means for generating second data (Fig. 1, file body) logically disposed at a start of said file (Fig. 1); means for

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generating third data (Fig. 1, can be unfilled, null filled or file footer) logically disposed at an end of said file (Figs. 1, 3B or 9), that makes data amounts of said first data (header metadata) and said second data (packets within the file body) integral multiples of a unit of reading and writing of said recording medium (Figs. 2 and 3; Paragraphs [0095]-[0108]), by being added to said first data or said second data (Figs. 2 and 3, header metadata is added to the packet sets); means for generating a file unit metadata file (Figs. 3 or 7; the packet set or a content package is a unit) in which header metadata is disposed (Fig. 3, the metadata header is in the front of the packet set) and a frame unit (Fig. 6) metadata file in which system items of edit units are disposed en bloc (Fig. 6 shows the frame of a contents package which include a system item en a bloc (field 1)), wherein system items include metadata (Fig. 7, system includes 3 metadata bloc) of each edit unit (content package); a master file generating means (File Header which includes the Index Table) for generating a master file in an AV independent format (Paragraph [0057]), the master file describing pointers to a least the generated file unit metadata file and the frame unit metadata file (Paragraph [0056]-[0059]); and means for performing recording control to record said file onto said recording medium such that said first data is recorded so as to have data amount of an integral multiple of said unit of reading and writing of said recording medium by adding said third data onto said recording medium such that boundaries of said first data coincide with boundaries of said unit (Fig. 3, the second data is the packet set which can include the third data which is the "unfilled data space" so that the boundaries coincide with the unit (SET 1, SET 2, to SET n). However, Wilkinson does not disclose integral multiple of a unit.

In the same field of endeavor, Ando discloses an integral multiple of a unit (Paragraph [0875]).

At the time of the invention it would have been obvious of person of ordinary skills to modify the apparatus to generate the first, second and third data on a recording medium of Wilkinson to include the recording medium with integral multiple of a unit as suggested Ando. The motivation for doing so would have been to control the excessive seeking and excessive reading for a better efficient system.

Response to Arguments

Applicant's arguments filed 6/6/08 have been fully considered but they are not persuasive. Applicant argues that Wilkinson does not disclose "wherein system items include metadata of each edit unit." However, Wilkinson discloses wherein system items (Fig. 7, "SYSTEM" or Fig. 6, each frame of the contents package (edit unit) shows a "system item") include metadata of each edit unit (Fig. 7, in the bloc of "SYSTEM" there are metadata bloc; Paragraph [0091]). Therefore, claims 1, 4 and 5 are not patentable in view of Wilkinson and Ando.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH T. NGUYEN whose telephone number is (571)272-5513. The examiner can normally be reached on 10:00am-7:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN

10/29/08

/Wayne Young/

Supervisory Patent Examiner, Art Unit 2627